

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC	)	EB Docket No. 11-71
	)	File No. EB-09-01-1751
Participation in Auction No. 61 and Licensee	)	FRN: 001358779
Of Various Authorizations in the Wireless)	
Radio Services)	
)	
Applicant for Modification of Various	)	App. FNs 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028,
Applicant with ENCANA OIL AND GAS	)	0004193328, 0004354053,
(USA), INC.; DUQUESNE LIGHT	)	0004309872, 0004310060,
COPANY; DCP MIDSTREAM, LP;	)	0004314903, 0004315013,
JACKSON COUNTY RURAL,	)	0004430505, 0004417199,
MEMBERSHIP ELECTRIC	)	0004419431, 0004422320,
COOPERATIVE; PUGET SOUND	)	0004422329, 0004507921,
ENERGY, INC.; INTERSTATE	)	0004153701, 0004526264,
POWER AND LIGHT COMPANY;	)	0004636537, 0004604962.
WISCONSIN POWER AND LIGHT)	
COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE – MID CONTINENT,)	
LLC; DENTON COUNTRY ELECTRIC)	
COOPERATIVE, INC., DBA COSERV)	
ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL)	
AUTHORITY)	

To: Marlene H. Dorch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

Supplement and Errata^{} to*

Initial Opposition to Maritime’s 2.7.2013 Motion to Strike (“2-7 Motion”) and Alternative
Opposition (“2-7 Opposition”) and Request for Sanctions

For the following reasons, separately, each of the undersigned distinct entities (Havens and SkyTel entities, together, “H-S”) requests dismissal of, or in the alternative denial of, the 2-7 Motion; and in addition, each of H-S also request dismissal or, or in the alternative, denial of, the 2-7 Opposition (together, the “2-7 MO” or the “Keller MO”). The Keller MO responded to the undersigned’s Motion to Dismiss and in the Alternative Opposition to Petition for Stay (“Motion”) of 2-1-13 (the “Havens-Skytel Motion and Opposition,” or the “HS MO”).

^{*} Errata additions in **dark red** and most deletions in ~~strikeout~~. The Supplement is at the end.

Further, each of H-S request that Sanctions be imposed on Robert Keller (“Keller”) and Maritime for reasons indicated herein with regard to the Keller MO along with preceding relevant history, **including disqualification of Keller in this Hearing.**

Regarding Timing. For reasons below, including *failure to serve* by Keller-Maritime, Keller MO is not currently an authorized pleading and there is thus no time deadline at this time for a response. Thus, the undersigned may supplement this pleading at a later date. Further, the Opposition part of the 2-7 **MO (the Keller MO)** filing is an *un*authorized opposition to an opposition, and thus there is no deadline to respond to it. For this reason also, the undersigned may supplement this pleading at a later date. Further, there is additional recent information relevant to this response ~~for~~ which the undersigned must review, with our NJ court action counsel, before I can use it in the response to the Keller MO. I will do this as soon as possible.

Keller MO Purpose, Procedural Issues, Defects and Request for Sanctions

(i) Keller and Mar*i*time, now with the proxy Choctaw, have done little **but** ~~by~~ block and delay this Hearing, both on issue (g) and almost fully on all the other issues. The undersigned has been the main party to prosecute facts and law against Maritime-Mobex (always via its outside and inside “*legal*” counsel) violations since long before Auction 61, up to the HDO FCC 11-64. *Now--* when Havens and SkyTel entities, in their NJ antitrust law suit against Maritime, have evidence that has come in (with more regularly arriving) from approximately 300 subpoenas to parties with direct dealing with Maritime and its predecessors (or with ~~him~~ **whom** Maritime asserted it has FCC-license based dealings, even if the other party was not aware it has any dealings at all)—Maritime counsel is hard at work and expense filings motions *to attempt to thwart* Havens and SkyTel actions to get this evidence (to the substantial extent it is relevant to this Hearing) to the Judge and EB: this is a topic under Section II of the undersigned filing in this Hearing of yesterday, 2.15.13. This evidence is held by Keller and his associated Maritime counsel in this NJ court action: the action is in large part based on the FCC rule violations that

are also issues in this FCC Hearing. But rather ~~th~~^aen provide this evidence – as required by EB discovery demands—to the EB and Judge, Keller and his associated Maritime external and internal counsel are withholding it, and also blocking Skytel and throwing up smokescreens – the Keller MO is such an action.

(ii) Mr. Keller is the key witness for Maritime in its most important defense in this Hearing: its get-out-of-jail-free misuse of the “Second Thursday” doctrine. He was the only Maritime expert witness on this in the bankruptcy case which was, according to the testimony of Sandra Depriest at the Plan confirmation hearing, filed for the purpose of getting Second Thursday relief. Keller’s witness role was affectively solely for this FCC Hearing and the essential Maritime remedy under Second Thursday (since as just noted, the bankruptcy was set up and undertaken only to attempt Second Thursday before the FCC, and the Judge in the bankruptcy case recognized that only the FCC will determine if Keller’s witness assertions will work or not). The undersigned believe Mr. Keller failed to inform the Judge of this *dual role as key witness and counsel*, and we believe this should result in his disqualification as counsel to Maritime in this Hearing. See the Supplement below, also discussing a related non-waivable conflict.

(iii) Mr. Keller has not informed the Judge that the Maritime bankruptcy court ~~case~~ chapter 11 Plan (Choctaw Plan) approval has been appealed, ~~seeking~~ that it be overturned, by the undersigned and Skytel entities. This Hearing is on the captioned Maritime Applications ~~captioned above~~, and Maritime counsel had a duty to file an update including under rule Section 1.65 to this Judge (and to the Wireless Bureau). This is lack of candor. ~~H~~ Keller, for Maritime, ~~seemks~~ expedited and extraordinary action asserting the bankruptcy court approval as if it was final and not subject to an appeal.

1. Keller did not serve the undersigned a copy of the Keller MO even after the undersigned found out about the Keller MO. See Exhibit 1 (~~included with this Errata~~). (I submit

herewith a Declaration in this regard, and in support of other facts I allege herein.)

That failure to serve is deliberate, highly prejudicial, and a violation of ex parte rules. Sanctions should be imposed for this reason and others indicated **herein**. ~~in Appendix 1 below.~~

Service to the undersigned was required, and the HS MO was a valid filing, was required since the **Keller** MO responded to a filing by the undersigned, not by any attorney for the undersigned, and it was authorized in as much as the undersigned was designated as a party in this hearing by the full Commission in the HDO FCC 11-64 (the “HDO”) and was not barred by any Order of the Judge. I further discuss that next.

2. The HS MO presents a showing in accord with the instructions of the Judge with regard to differences between Havens and the SkyTel legal entities, even though the Judge never found and stated any cause for finding these interests were the same, never found and stated good cause that Havens could not represent the SkyTel entities, just as he had been doing for years (and scores of pleadings) leading to, *and that was the basis of, the* HDO, and never in any way found that he did not have the right to self representation (which the Constitution provides for)¹ as an individual party in this Hearing, as designated in the HDO. Further, the Judge has never indicated that the undersigned cannot provide facts including my view of relevant law from FCC rules and Orders: my knowledge of those are facts I learned in long history of AMTS. If my application of those facts as to FCC rules and Orders is not applied in legal arguments in a way the Judge permits, and for good cause ignores them, he can do so.²

My position was simple and clear, and indicated in the HS MO in footnote 2, in its reference to my filing dated 10-2-2012. I am acting as carefully as I can in this Hearing to

¹ I am aware that some attorneys and even judges do not find that a non-attorney may credibly assert Constitutional and other protections, and thus act to the contrary. That would be mistaken in my case. I have taken many cases to district, circuit and the Supreme Court, with counsel, that I began pro se. I will do so in this case to the degree needed.

² See also rule §1.225, discussed in the **Supplement below**.

present relevant facts and law, through counsel when available, and otherwise. No one has shown any thing to the contrary.

If the Judge finds that my recent *pro se* filings cannot be submitted by myself *pro se*, then good cause has to be shown, and I will have a right to oppose that, or further my position described in the 10-2-2012 filing as to reversible error, and act upon that. If the Judge allows my *pro se* filings and party status and the full Commission designated for good cause in the HDO, but does not allow them with regard to the SkyTel legal entities, then the filings' content is still the same, since the content was not specific to the filers but is a challenge to Maritime.

When Jim Chen filed a notice of appearance he indicated that I reserved the right to proceed *pro se*, as the Judge had indicated. I have exercised that right, and am presenting relevant information and law, including new essential facts, and will be seeking subpoenas as indicated herein. A person has an unfettered right to hire and discharge counsel. See my filing of yesterday 2-14-13 as to the reasons for the discharge. If Mr. Keller asserts those reasons are not based on the facts I assert, I have the written evidence to show that is false, and that he must know that is false.

3. The 2-7 Opposition is an opposition to the HS Motion and Opposition. FCC rules do not appear to allow an opposition to an opposition, or a reply to an opposition of this sort. §1.294. Thus, the 2-7 Opposition should be dismissed to the degree it deals with the substance of the HS MO: the HS MO substance was all of the pleading but for sections specifically relevant to the motion aspect.

4. In addition to but similar to the deliberate failure to serve, noted above: Keller has in the past repeatedly refused to communicate with the undersigned under Orders of the Judge with respect to the Glossary undertaking. That was never cured. (And that was while SkyTel has legal counsel involved.) That prejudiced H-S and served to delay and degrade this Hearing.

5. The history of Maritime under legal representation of Mr. Keller and his long-term

associate Dennis Brown is shown in this Hearing, and the preceding SkyTel proceedings before and investigations by the Wireless and Enforcement Bureaus (WB and EB), and summarized in part in the HDO FCC 11-64: ~~its~~ their primary course of conduct is to delay, confuse, hide and spoil evidence, misrepresent control, ownership, affiliates, gross revenues, actual construction and operating facts, and other most critical licensing facts, which also lie at the heart of the purpose of the FCC: to license and regulate in the public interest and prevent spectrum warehousing and other anti-competitive and unjust-enrichment misuse of public airwaves. Keller's problem with "Havens" is that Havens has been the one person to seriously and tenaciously stand up to this unlawful action, and to call him out as engaging illegal practice of law. Maritime's problem, to begin with, is that is a sham entity, when its actions that are clear in the just noted proceedings are compared to well-established criteria for finding of a sham corporation. The WB and EB Bureaus, ending in the full Commission in HDO FCC 11-64, eventually for the most part agreed, and the Commission based this HDO largely upon Havens' *pro se* research, pleadings and tenacity from long before Auction 61 up to the time of this HDO. Havens always had legal counsel, when if needed. But the actual history shows that Havens (with other SkyTel staff) succeeded in this almost entirely on a *pro se* basis, and this was recognized by the Commission. In parallel, Havens and SkyTel entities are succeeding to date in their Sherman Act antitrust action against Maritime and affiliated in the US District Court, NJ as in part discussed in the filing by the undersigned dated 2. 14.13 (yesterday) regarding discharge of attorney Jim Chen as a Request for Subpoenas to be issued to Maritime and Skytel entities, so that great amounts of evidence from this court action discovery results can be presented to the Judge and EB that is critical to both Issue (g) and the other issues in this Hearing (that pertain to license revocation for repeated violation of FCC law, etc.).

Supplement of 2-20-13

Re Keller Disqualification and Related Sanction Request (further to the above)

1. From the DC Bar Association rules of “professional conduct” (“DC Bar Rules”) (emphasis and item in brackets added):

Rule 3.7 - Lawyer as a Witness.

(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness [exceptions discussed I believe do not apply here] * * * *

Comment

[1] Combining the roles of advocate and witness can prejudice the opposing party and can involve a conflict of interest between the lawyer and client.

[2] The opposing party has proper objection where the combination of roles may prejudice that party’s rights in the litigation. A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others. It may not be clear whether a statement by an advocate-witness should be taken as proof or as an analysis of the proof.

I have raised a “proper objection” herein. With regard to the “conflict” component of the above rule, and that otherwise is at issue in this matter, in my view the following applies:

2. Under the DC Bar Rules, Regarding Rule 1.7 - Conflict of Interest, I allege and argue below that Mr. Keller has a conflict of interest, and this disqualifies him by itself and in combination with the issue under rule 3.7 (see above) (and the other issues herein).

Keller advocates Second Thursday ("ST") relief (both as counsel and as expert witness: see above discussion), but ST is to benefit the alleged Maritime "innocent creditors" at the expense of—in conflict with-- the Maritime owners and controllers who must, to seek ST relief, admit to being wrongdoers without completion of their defense in this Hearing which they, in fact, began (it as Maritime, *pro se*, that filed the Notice of Appearance, for example). Indeed, this admission increases the chances of their being fined by the FCC and otherwise personally sanctioned, as compared to if Mr. Keller advocated for them in this Hearing to attempt to clear the charges against them. Mr. Keller has been and continued to represent Maritime with this conflict.

This Hearing originated in SkyTel's petitions to deny the Maritime short and long forms in Auction 61, and the assignment by Mobex of the site based licenses to Maritime. Said

petitions, and their defense, are under 47 USC §309(d) where the petitioners, and the license applicants, must argue based on 47 USC §309(d): the public interest at issue in the subject licensing (they must have private Article III standing, but their arguments must be in said public interest): See Appendix 1 below. That standard continues in this Hearing.

Thus, Mr. Keller must argue based on the public interest, but that is thwarted by attempting to both represent the innocent creditors, and the owners/ controllers of Maritime with opposing interests: both cannot be in the "public interest, convenience, and necessity." Thus, this conflict of interest does not appear to be waivable, even if he holds a conflict waiver (which he has not shown).

3. *Alternatively*, if Keller or someone else suggests there is no conflict of the sort as I argue under 1-2 immediately above, *that points to why his argument under Second Thursday fails, is specious and spurious*, is a violation of rule §1.52, and is a cause for sanctions on this basis: Maritime advocated and got the bankruptcy court approval of the Choctaw Chapter 11 (so called "reorganization") Plan by the alleged innocent creditors (that make up Choctaw) because, any rational reading shows, it provided two unjust enrichment boons—that make the Second Thursday argument clearly defective—to the Depriests, at the expense of the FCC regulatory interests in this license revocation and termination hearing:

(a) It provided that the Depriests' personal guarantees to those creditors will not have to be paid, but instead the licenses laundered by Second Thursday will be sold to pay off those debts (this benefit is in the many millions of dollars: the amounts shown in public filings in the bankruptcy case: at least to the degree trustful filings were made), and

(b) It further provided that the Depriests, via Maritime which they own and control, will keep Maritime wholly owned subsidiary called Critical RF, which Maritime asserted in the bankruptcy case to be substantial in current and projected value and sufficient to continue as a reorganized business, after the sale and assignment of the FCC licenses to Choctaw, if the FCC

approves that by Second Thursday laundering. Again, as in the matter of the personal guarantee exemption, this also is at the expense of the FCC licenses and the FCC regulatory interests in completing this enforcement Hearing.

(c) It further provide many benefits to John Reardon, the CEO of Mobex, the Maritime and now Choctaw. He is as much of a wrongdoer as the Depriests, from the actions shown in the FCC records. The alleged innocent creditors themselves financed the wrongdoing, and knew or by the simplest of due diligence should have known, of the wrongdoing—and as the Choctaw Plan now shows, took their financial positions to ultimately try to cash in on the wrongdoing.

In this regard, it is shown in the bankruptcy that Maritime, the Depriests, Reardon and their attorneys including Keller all summarily, but clearly in the written record, rejected the “SkyTel Plan” attempts in the bankruptcy case to for a settlement among Maritime, Skytel and the FCC, such that all of the FCC regulatory interests are satisfied and all innocent creditors that the FCC determines are innocent, are fully paid. There is no reason to have rejected that, and done so summarily with no explanation that is related to FCC or bankruptcy law (or any other law or equity) except that the Depriests, Reardon and Choctaw (the alleged innocent creditors) sought under their Choctaw Plan to misuse Second Thursday to launder licenses worth some order of magnitude more than the alleged debt, for unjust enrichment.

This is what Keller is advocating in this second, alternative view.

4. Thus, whether under 1-2 immediately above, or the alternative 3 immediately above, Keller is acting impermissible in this Hearing and should be disqualified and sanctioned.

Regarding Havens’ Current *Pro se* Participation (further to the above)

1. The APA, in 5 USC § 558, “Imposition of sanctions; determination of applications for licenses...” provides:

(a) This section applies, according to the provisions thereof, to the exercise of a power or authority, (b) A sanction may not be imposed or a substantive rule or order issued except within jurisdiction delegated to the agency and as authorized by law.

In this regard, no statute from the Communications Act supports the proposed sanction of revoking or curbing my rights to *pro se* representation of myself or any or all of the SkyTel entities, that were established by the Commission under the relevant statutes, including 47 USC §§ 309(d) and 405 as discussed herein and shown in the record of this case.

2. In addition, challenge to and any curbing of my *pro se* representation of myself and legal entities I manage that was for good cause found and clearly stated in the HDO, FCC 11-64 (each SkyTel entity and myself individually were found to be Parties in the proceedings leading to the HDO, and in the Hearing to result therefrom), is an impermissibly late attempt to reconsider and modify the HDO. Those party rights cannot be lawfully revoked or modified under the Administrative Procedures Act, absent good cause (see above). I do not believe that anyone but the Commission can do so, absent demonstration of extremely disruptive participation by me. There has been no abuse at all demonstrated or asserted.³ There has been abuse in this Hearing to me and the SkyTel entities, and I have objected to that, and asserted and maintain that it is reversible error.⁴

3. Even if I were not a permitted party *pro se*, I can participate under the following rule. Mr. Keller is aware of FCC Hearing rules. A “person” in this rule includes a natural person.

§ 1.225 Participation by non-parties; consideration of communications. ...
(b) No person shall be precluded from giving any relevant, material, and competent testimony at a hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

Thus, Keller’s deliberate choice to not serve the Keller MO is not excusable on this basis also.

4. The HS MO also defends the SkyTel entities Application for Review pending before

³ There has been disruption *by* Keller (and some of the captioned Applicants in support) and the Judge and his staff accommodating Keller as to this unlawful curbing of these *pro se* rights contrary to the HDO and APA and public interests.

⁴ It also appears to be cause for seeking, if SkyTel, including Skybridge Spectrum Foundation and I, ultimately prevail in the petitions leading to the HDO and that continue through to a substantial degree in this Hearing fees EAJA from the FCC. EAJA fees that may be asserted are for legal counsel and other representation fees. We have by now over a decade of fees involved.

the Commission that is the current stage of their agency appeal on their petition to deny the Maritime Long Form from Auction 61 discussed in the HDO FCC 11-64. I represent all of the SkyTel entities and myself, *pro se*, in that petition to deny proceeding, now at the Application for Review stage. I have a right to defend that in this Hearing also on a *pro se* basis. Neither the Wireless Bureau nor the Commission ever found that I had to have legal counsel for any part of said administrative challenge to Maritime. Rather, the Commission in the HDO FCC 11-64, recognized the merits of that *pro se* petitioning and based the HDO on it—and that is the basis of this Hearing.

5. It is well-settled that the right to petition government, protected by the First Amendment to the United States Constitution, applies to petitions to government agencies such as the Commission. See *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972); *United Mine Workers v. Pennington*, 381 U.S. 657 (1962); U.S. Const. 1st Amendment. In this regard, speech which is considered non-commercial in nature is accorded a greater degree of protection than “commercial speech,” which is defined as “expression related solely to the economic interests of the speaker and its audience,” or alternatively “speech proposing a commercial transaction.” See, *U.S. Dept. of Agriculture v. United Foods, Inc.*, 533 U.S. 405, 409 (2001); *Connecticut Bar Ass’n v. US*, 620 F.3d 81, 94 (2nd Cir. 2010). In this case commencing in the SkyTel petitions described in the HDO FCC 11-64, into this hearing, the SkyTel pleadings including those by me *pro se* were demonstrably not related solely to Havens’ or the commercial SkyTel LLCs’ economic interests but were always argued (i) for the public interest at issue under the Communications Act including 47 USC §§ 309(d) and 405, and (ii) Skybridge Spectrum Foundation, a nonprofit non-commercial foundation recognized as such by the IRS under IRC §501(c)(3). For this reason also, my *pro se* participation is permitted and cannot be curbed but for special circumstances not present here.

Respectfully submitted,

/s/

Warren Havens

Individually and for SkyTel legal entities
(previously defined in this case)

2509 Stuart Street
Berkeley CA 94705
510 841 2220, 848 7797

Dated: February 20, 2013

This supports the topic in the text above as to requirement to pursue the public interest, without the conflicts of the sort identified in the text, in contested licensing proceedings.

1. *United Church of Christ v FCC*, 359 F.2d 994; 123 U.S. App. D.C. 328 (1966): In sum: the Communications Act of 1934 (Act) did not create new private rights. The purpose of the Act was to protect the public interest in communications. By 47 U.S.C.S. § 402(b)(2), Congress gave the right of appeal to persons aggrieved or whose interests are adversely affected by Federal Communications Commission action. But these private litigants have standing only as representatives of the public interest.) This applies now to petitioning and opposing under 47 USC §§ 309(d) and 405, and to formal Hearings that result therefrom, as in the instant case.

2. *In re Choctaw Broadcasting Corporation and New South Communications, Inc.*, FCC FCC97-207 (adopted 6/9/97).

3. *In the Matter of Petition for Rulemaking to Establish Standards for Determining the Standing of a Party to Petition to Deny a Broadcast Application*. FCC 80-509. 82 F.C.C.2d 89; 1980 FCC LEXIS 429; 48 Rad. Reg. 2d (P & F) 517 (1980): In sum: “Viewed as a whole, the legislative history of section 309(d)(1) makes plain that Congress's unwavering goal has been to ensure that petitions advancing interests legitimately related to the purposes of the Act should be considered by the Commission.”

Indeed, Mr. Kellers co-counsel for Maritime argues the above in a petition to deny proceeding of an Application underlying and leading to this Hearing:

Thus, it is in this good faith role of “private attorney general” that persons are presumed to act when filing petitions to deny or other pleadings or applications with the Commission. *Office of Communication of United Church of Christ v. FCC*, 359 F.2d. 994, 1003 (D.C. Cir. 1966).

Maritime *Opposition* to SkyTel entities Petition to Deny the Maritime assignment application to EnCana Oil & Gas, File No. 0004604962, filed May 10, 2011 (the “EnCana Opposition”).⁵

⁵ In addition, in the EnCana Opposition (and others like it) Maritime counsel asserted all of the following falsely, in violation of FCC rule §1.52, contrary to HDO FCC 11-64, as Keller has eventually had to admit in this hearing:

For each AMTS license held by MCLM, the Commission has found that facilities [site-based license stations] were ... timely constructed.... MCLM has operations [present tense] around the nation serving maritime, two way radio users, utilities, highways, energy companies, and others.... As a matter of fact, Sandra DePriest controls MCLM to the exclusion of all other persons....Havens was incorrect in stating that MCLM did not qualify for a bidding credit.... Obviously, a licensee cannot provide PMRS without operating.

Exhibit 1

See email copy on the following page. Keller did not respond to this email.

Also see the certificate of service on the Keller MO. It did not include Warren Havens.

Subject: Re: EB Docket No. 11-71 Maritime Communications/Land Mobile

From: Warren Havens (warren.havens@sbcglobal.net)

To: rjk@telcomlaw.com;

Cc: cole@fhhlaw.com; jsheldon@lb3law.com; wright@khlaw.com; richards@khlaw.com; czdebski@eckertseamans.com; feldman@fhhlaw.com; rkirk@wbklaw.com; mjp@catalanoplache.com; ajc@catalanoplache.com; Pamela.Kane@fcc.gov; Austin.Randazzo@fcc.gov; Richard.Sippel@fcc.gov; Mary.Gosse@fcc.gov; Brian.Carter@fcc.gov; jim@jimchen.org; jstobaugh@telesaurus.com;

Date: Friday, February 8, 2013 11:43 AM

Mr. Keller,

I object to you not copying me on filings by Maritime in this hearing, including any filing responding to any filing I submitted under my name (whether submitting facts or law, or both).

It is prejudicial to not copy me, and my associate Jimmy Stobaugh (GM of our Skytel entities), on the courtesy email copies that were described in the instruction by the Judge on filing of pleadings on ESCF with, at the same time, courtesy copies sent by email.

Obviously, email is far more timely than hard copies mailed, and also delivers an electronic copy that is needed, in this age, for computer filing and us, for response. Hard copies are not as usable, even is scanned (they cannot easily be converted to OCR for word searches and text extraction and analysis, etc.). Thus, the Judge properly specified that electronic copies of filings would be circulated by email.

If you believe that you do not have to, or should not, include me and Mr. Stobaugh on email of copies of filings you submit for Maritime, then do you also believe I do not have to, or should not, email to you (as I have) copies of filing I submit?

Warren Havens

Declaration

I declare under penalty of perjury the facts I present above are true and correct.

/s/
Warren Havens

Dated: February 20, 2013

CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 20, 2013, I caused a true copy of the foregoing filing in FCC docket 11-71 to be served by USPS first class mail (with courtesy email copies, using emails of record) to:

Hon. Richard L. Sippel
Chief ALJ, FCC
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Washington, DC 20554

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/s/

Warren Havens